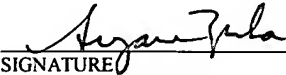


FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY DOCKET NUMBER 47236-0009-00-US  U.S. APPLICATION NO. (If known, see 37 CFR 4.5) <b>10/584082</b>
INTERNATIONAL APPLICATION NO. PCT/JP2004/019196	INTERNATIONAL FILING DATE December 22, 2004	PRIORITY CLAIMED JP 2003-425673 filed December 22, 2003
TITLE OF INVENTION <b>MARCHANTIALES-DERIVED UNSATURATED FATTY ACID SYNTHETASE GENES AND USE OF THE SAME</b>		
APPLICANT(S) FOR DO/EO/US Kanji OHYAMA		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2))           <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154 (d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has not expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input type="checkbox"/> An oath or a declaration of the inventor(s) (35 U.S.C. 371 (c)(4))</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included</b>		
<ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input checked="" type="checkbox"/> Sequence Listing (paper copy) &amp; Statement Accompanying Sequence Listing</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information:           <ol style="list-style-type: none"> <li>(a) PCT/ISA/237</li> <li>(b) PCT/IB/304</li> <li>(c) PCT/IB/308 (First Notice &amp; Second and Supplementary Notice)</li> <li>(d) PCT Request</li> <li>(e) PCT/ISA/210 dated April 12, 2005</li> <li>(f) Front page of International Publication No. WO 2005/061713</li> </ol> </li> </ol>		

U.S. APPLICATION (If known, see 37 CFR 1.5) <b>10/584082</b>		INTERNATIONAL APPLICATION NO. PCT/JP2004/019196		ATTORNEY DOCKET NUMBER 47236-0009-00-US	
				Calculations	PTO use only
The following fees are submitted:					
21. <input checked="" type="checkbox"/> Basic national Fee .....\$300.00				\$300.00	
22. <input checked="" type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) .....\$100.00 All other situations .....\$200.00				\$200.00	
23. <input checked="" type="checkbox"/> Search Fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100.00 International Search Report prepared and provided to the Office .....\$400.00 All other situations .....\$500.00				\$400.00	
TOTAL OF 21, 22 and 23 =				\$900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
85 - 100 =	0/50 =	0	× \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	28- 20 =	8	X \$50.00	\$400.00	
Independent claims	9 - 3 =	6	X \$200.00	\$1200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$2500.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.					
SUBTOTAL =				\$2500.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$0.00
TOTAL NATIONAL FEE =				\$2500.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$0.00
TOTAL FEES ENCLOSED =				\$2500.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$2500.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>50-0573</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0573</u> . d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: CUSTOMER NO.: 055694 DRINKER BIDDLE & REATH LLP 1500 K Street, N.W., Suite 1100 Washington, D.C. 20005-1209 Tel: (202) 842-8800 Fax: (202)-204-0289					
SIGNATURE  NAME: <u>Suzanne E. Ziska</u> REGISTRATION NUMBER: <u>43371</u> DATE: <u>June 22, 2006</u>					

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Kanji OHYAMA	)	
	)	Confirmation No.: Unassigned
Application No.: NEW	)	
(National Stage of PCT/JP2004/019196	)	Group Art Unit: Unassigned
Filed December 22, 2004)	)	
	)	Examiner: Unassigned
Filed: June 22, 2006	)	
	)	
For: <i>MARCHANTIALES</i> -DERIVED	)	
UNSATURATED FATTY ACID	)	
SYNTHETASE GENES AND USE OF THE	)	
SAME	)	

**MAIL STOP PCT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building  
Alexandria, VA 22314

Sir:

**DECLARATION PURSUANT TO 37 C.F.R. §§ 1.821 – 1.825**

I, Suzanne E. Ziska, declare as follows:

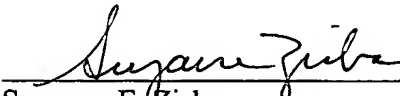
1. That the submission, filed in accordance with 37 C.F.R. § 1.821(h), does not include matter which goes beyond the disclosure in the international application as filed.

I hereby declare that the statement made herein of my own knowledge is true and that all statements were made on information and belief and are believed to be true; and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: June 22, 2006



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Suzanne E. Ziska

Registration No. 43,371

**CUSTOMER NO. 055694**

**DRINKER, BIDDLE & REATH LLP**

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